



AF/3714

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE
ON APPEAL TO THE BOARD OF APPEALS

In re Application of: Glenn R. Godley)
Serial No.: 09/778,543)
Filed: 02/07/2001)
Title: **VOCAL TRAINING AND**)
COMPANIONSHIP APPARATUS)

Date: May 29, 2003 # 18
Group Art Unit: 3714
Examiner: Sotomayor, John

6/17/03
B.ROSS

CERTIFICATE OF SERVICE

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name:

Terry Lakos
TERRY LAKOS

Date:

6/9/03

BRIEF ON APPEAL

Hon. Commissioner of Patents
Alexandria, VA 22313-1450

Dear Sir:

This is an appeal from the Final Rejection, dated December 10, 2002 for the above identified application.

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REAL PARTY IN INTEREST

The party named in the caption has assigned his/their interest to OurPet's Company, an Ohio Corporation, who is the real parties of interest in this appeal.

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to appellant, appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

STATUS OF CLAIMS

Claims 1, 2, 4-16, 18 and 19 were pending and presently stand rejected by the Examiner. Claims 7 and 16 were objected to as having subject matter considered allowable but were dependent upon rejected independent claims.

STATUS OF AMENDMENTS

Two separate amendments were filed after the final rejection was mailed on December 10, 2002.

The first amendment filed after the final rejection was mailed on April 07, 2003. As explained in the "Remarks" portion of the amendment (page 6), all of the previously pending Claims 1, 2, 4-16, 18 and 19 (Claims 3 and 17 had been previously canceled without prejudice) were canceled, and the allowable subject matter rewritten in independent form as suggested by the examiner. The allowable subject matter was rewritten as New Claims 20-39.

New Claim 20 is an independent claim combining Claims 1, 9 and 16 as amended by the amendment filed on October 04, 2002. In the Office Action dated December 10, 2002, the Examiner stated that Claim 16 was considered allowable, but

should be rewritten in independent form with any underlying claims. Claim 16 depended from dependent Claim 9, and Claim 9 depended from independent Claim 1. Therefore, the combination of Claims 1, 9 and 16, as rewritten in New Claim 20, was previously considered allowable by the Examiner. New Claims 21-31 were dependent upon New Claim 20, and thus were also considered allowable.

New Claim 32 is an independent claim combining Claims 1 and 7 as amended by the amendment filed on October 04, 2002. In the Office Action dated December 10, 2002, the Examiner stated that Claim 7 was considered allowable, but should be rewritten in independent form with any underlying claims. Claim 7 depended from independent Claim 1. Therefore, the combination of Claims 1 and 7, as rewritten in New Claim 32, was previously considered allowable by the Examiner. New Claims 33-39 were dependent upon New Claim 32, and thus were also considered allowable.

However, the Examiner mailed a response on May 01, 2003 claiming that the amendment filed on April 07, 2003 raised new issues that would require further consideration, and noted that New Claim 34 lacked proper antecedent basis, and further refusing entry of New Claims 20-39, despite compliance with the rewriting of allowable subject matter in independent form as suggested by the Examiner of all other Claims 20-33 and 35-39. In a brief phone interview shortly thereafter, the attorney representing applicant stated that the addition of New Claim 34 was inadvertent and a mistake, and then proposed cancellation of New Claim 34 to place the remaining claims in a condition for allowance.

The proposed amendment, the second amendment after final rejection, was sent by facsimile transmission on May 08, 2003, canceling New Claim 34. In response, the

Examiner sent another final office action summary on May 21, 2003, again refusing entry of New Claims 20-33 and 35-39, with former New Claim 34 canceled without prejudice. The Examiner noted that

“Claim 21, for example, raises new issues wherein the combination of a system for selecting a prerecorded sound, a bird perch, a trough, a housing, a presence detecting sensor and a system for playing back a message has never been claimed before. This is just one example of a new issue raised by the proposed amendment.” (Pg. 2, May 21, 2003).

As a result of the Examiner's final office action mailed on May 21, 2003, all New Claims 20-33 and 35-39 were refused entry, and previous Claims 1, 2, 4-16, 18 and 19 were finally rejected, and are now the subject of this appeal.

SUMMARY OF INVENTION

A preferred recordable training device 10 for use with a bird is described in FIG.

1. The training device 10 includes a reflecting mirror 12, allowing the bird to view its own reflection, thereby providing the bird with a sense of companionship. However, pictures such as those of another bird, or other stimulation device could be used in lieu of the mirror 12. Sensor 14 detects the presence of the bird and initiates the playback of a prerecorded voice or sound message recorded by the bird's owner or trainer.

One preferred sensor 14 is a motion sensor, whereby the movement of the bird will initiate the playback of the prerecorded message. Further embodiments are contemplated for the sensor 14, such as a light sensor, which is activated when light is cut off from the sensor as a result of the bird's proximity to the training device 10. A heat sensor may also be used whereby the heat of the bird's body activates the sensor 14 and initiates the playback of the prerecorded message. A laser and laser-sensing

device could also be utilized, whereby the bird's presence near the training device 10 would block the laser beam, thereby initiating the playback of the prerecorded message. The mirror 12 and sensor 14 are encased in a polypropylene frame 16, however materials such as plastic or metal may be used.

Perch assembly 18 contains right 24 and left 22 members, which support the bird's perch 20. The opening 30 of perch assembly 18, as shown in FIG. 3 allows the perch assembly 18 to connect the base 28 of training device 10 as shown in FIG. 2, by a snap fit, screws, press fit, or any other suitable means known by one with ordinary skill in the art. However, this perch assembly 18 may be integrated into the design of the housing 16 without being a separate piece. By connecting the perch assembly 18 to the base 28 of the training device 10, a fully integrated bird perch is created. The perch 20 allows the bird to be in close proximity with the training device 10 and sensor 14. Because the bird is in close proximity to the sensor 14 accurate playback is initiated only by the bird's movement not by collateral external activity. In addition, the present invention has the option of not using the perch assembly 18 in conjunction with base 28 of the training device 10. Furthermore, the present invention 10 may include a seed or water trough 26 that can be inserted into the void (open space) 31 created by the perch assembly 18, as shown in FIG. 3.

FIG. 4 illustrates the reverse side of the training device 10. The present invention 10 includes a battery cover 32, which is slideably removed for gaining access to a battery compartment. To position or mount the training device 10, the device may be oriented so that it simply sits on a floor or table, or other surface. Furthermore, the training device can be affixed in a desired position using a common means of

attachment such as a bracket, adhesives, loop and hook, or any other suitable means known by one of ordinary skill in the art. In this embodiment, the training device 10, mounting pins 36, 38, 40, 42 and threaded pin 44 of the training mirror 10 are positioned through the bars of the bird's cage. A mounting plate 34 as shown in FIG. 5 is arranged so that the mounting plate holes 70, 72, 74, 76, and 78 allow the mounting pins 36, 38, 40, 42, and threaded pin 44 of training device 10 to pass through. To secure the training mirror 10, a thumb wheel 46 is threaded onto threaded pin 44. By tightening the thumb wheel 46, a compressive force is created by the mounting plate 34 and the training device 10 against the birdcage, thereby holding the training device 10 in the desired position.

To prepare the present invention 10 for use, the on/off switch 50 is put into the "ON" position. By putting the on/off switch 50 into the "ON" position, the present invention 10 is both ready to record and ready to detect the presence of the bird. Next, to record a message, the record button 58 is depressed, which illuminates an LED light 52 indicating that the training device 10 is ready to record a message. While continuing to depress the record button 58, the user records the desired sound that he or she wishes the bird to learn while speaking into the microphone 54. This phrase or message may be comprised of a song, whistles, the trainer's own voice, or any other audible sound that the trainer desires the bird to emulate. However, the training device 10 could be designed to record and playback sounds that are not audible to humans but are recognizable by animals such as birds. The user is given a predetermined amount of time in which a message can be recorded. If the user attempts to record a message that is longer than the specified limit, the LED indicator 52 will stop

illuminating and the recording function will stop. In the event that the user elects to record a phrase that is shorter than the device's maximum time limit, the user, may release the record button 58 to stop the recording process at the desired point.

Once the recording process is completed the message is stored by the invention's memory, and the user may replay it by depressing the play button 56. Once the play button 56 is depressed, the playback speaker 48 transmits the playback. By playing back the recorded message, the user can test the clarity and volume of the recorded sound. After the message is recorded, the training device 10 is ready for use, and playback of the prerecorded message will be initiated when the sensor 14 detects the presence of the bird near the training mirror 10. By putting the on/off switch 50 into the "OFF" position, the recording and playback feature of the training device 10 is made inoperable. To erase a previous recorded message, the owner simply re-records a new message by depressing and holding the record button 58, which initiates the aforementioned recording sequence. A preferred embodiment which does not include the perch assembly 18 and trough 26 is suitable for applications for training subjects such as animals and children.

Further embodiments of the present invention 10 may be comprised of a playback system without a recording feature. The playback system would contain prerecorded phrases, whistles, or any other sound that is audible to an animal or human. A selector switch may then be used to choose the desired message to be played. Also, a volume control feature is contemplated wherein the sound output level of the training device 10 may be reduced or increased via a volume control. Additionally, a system that would increase or decrease the frequency in which the

recorded sound is played back independently of the detection by the sensor 14 is also contemplated.

The preferred embodiment illustrated in FIG. 6 describes a training device 10 that can be used for subjects such as animals or children in general. This preferred embodiment of the present invention 10 is identical to the aforementioned preferred embodiment, which is used for a bird, with the exception of the bird perch assembly 18, which is unnecessary. Specifically, training device 10 contains a mirror 12 that provides an incentive for the subject to engage in interacting with the training device 10. However, a picture of the child's mother or father, picture of another animal, or other type of comforting image may be substituted in place of the training device's mirror 10. A sensing device 14 is used to detect the presence or absence of the subject and to initiate the playback of the recorded sound. To mount the training device 10, any typical means of attachment such as adhesives, hook and loop, or any other type of attachment means known by one skilled in the art may be used. Furthermore, the training device 10 is capable of freely standing alone in a desired position without the need of any attachment or mounting means.

ISSUES

The art the examiner has relied upon as the basis for various rejections include:

Yu, U.S. Patent No. **5,726,629**, disclosing a lighting fixture with motion detector and announcement device, wherein a person or object entering into a monitored area triggers the announcement device to deliver a prerecorded message;

Hicks, U.S. Patent No. **3,847,120**, disclosing a bird training device for training a bird to talking that includes a sound recording playback unit mounted within the housing; and

Blake et al., U.S. Patent No. **6,114,963**, disclosing a portal monitoring and alarm system for detecting the presence of a person passing through a portal used as a monitoring portal.

In the Final Rejection of December 10, 2002, the Examiner rejected Claims 1, 4-6 and 18 under 35 U.S.C. § 102(b) as being anticipated by Yu.

The Examiner further rejected Claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Yu.

The Examiner further rejected Claims 9-14 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Yu in view of Hicks.

Finally, the Examiner rejected Claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Yu in view of Blake et al.

The issues addressed by this appeal are as follows:

1. Was the Examiner's rejection of Claims 1, 4-6 and 18 under 35 U.S.C. § 102(b) as being anticipated by Yu appropriate?
2. Was the Examiner's rejection of Claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Yu appropriate?
3. Was the Examiner's rejection of Claims 9-14 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Yu in view of Hicks appropriate?

4. Was the Examiner's rejection of Claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Yu in view of Blake et al appropriate?

GROUPING OF CLAIMS

Claims 1 and 2 form a group of claims.

Claims 1 and 5 form a second group of claims.

Claims 1 and 6 form a third group of claims.

Claims 1 and 7 form a fourth group of claims.

Claims 1 and 8 form a fifth group of claims.

Claims 1, 9 and 10 form a sixth group of claims.

Claims 1, 9 and 16 form a seventh group of claims.

Claims 1, 11 and 12 form an eighth group of claims.

Claims 1, 13 and 14 form a ninth group of claims.

Claims 1 and 15 form a tenth group of claims.

Claim 18 form an eleventh group of claims.

Claim 19 form a twelfth group of claims.

Each group stands and falls separately from the other indicated claim groups.

ARGUMENT

1. Rejection of Claims 1, 4-6 and 18 under 35 U.S.C. § 102(b)

The Examiner respectfully rejected Claims 1, 4-6 and 18 under 35 U.S.C. § 102(b) as being anticipated by Yu.

In undertaking to determine whether one reference anticipates another under 35 U.S.C. § 102(b), a primary tenet is that the reference must teach every element of the claim." A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Yu reference discloses a lighting fixture with *motion* detector and announcement device, wherein a person or object entering into a monitored area triggers the announcement device to deliver a prerecorded message.

In contrast, the present invention claims a *presence* detector and initiation of playback of the prerecorded message based on the *presence* of an object. Motion is distinct from presence, as the mere presence of an object in an area would not necessarily trigger the motion detector. Conversely, mere motion would not trigger the presence detector. Therefore, a distinct difference exists between the motion detector claimed in Yu and the presence detector in Claim 1 of the present invention.

Because Yu fails to disclose every element of Claim 1, and dependent Claims 4-

6, and Claim 18, the Examiner's rejection of Claims 1, 4-6 and 18 is inappropriate. Claims 1, 4-6 and 18 are presently considered allowable.

2. Rejection of Claim 2 under 35 U.S.C. § 103(a)

The Examiner respectfully rejected Claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Yu.

In undertaking a determination of whether a reference, or a combination of references, renders a claim(s) obvious under 35 U.S.C. § 103(a), the examiner must show that the reference or combination of references teach or suggest every element of the claim(s) in question. MPEP § 706.02(j).

The Examiner admitted that "Yu does not specifically disclose that these messages are selectable by a selector switch." Thus, not every element of Claim 2 is disclosed, taught or suggested by Yu as required by MPEP § 706.02(j). Furthermore, the Examiner's statement that it is "common and well known practice to include a selection switch" is not sufficient to meet the Examiner's burden of presenting a prima facie case of unpatentability. The lack of citation to even one prior art patent is an indication that the obviousness of a selector switch as a limitation to the vocal training apparatus is less common than the Examiner's statement suggests.

Because Yu fails to disclose, teach or suggest every element of Claim 2 as required, and because the Examiner has failed to satisfy the evidentiary burden required, the Examiner's rejection of Claim 2 under 35 U.S.C. § 103(a) is inappropriate. Claim 2 is presently considered allowable.

3. Rejection of Claims 9-14 and 19 under 35 U.S.C. § 103(a)

The Examiner respectfully rejected Claims 9-14 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Yu in view of Hicks.

To reiterate, in undertaking a determination of whether a reference, or a combination of references, renders a claim(s) obvious under 35 U.S.C. § 103(a), the examiner must show that the reference or combination of references teach or suggest every element of the claim(s) in question. MPEP § 706.02(j).

The differences between Yu and the present invention as claimed in the underlying base Claim 1 has been noted above and is incorporated by reference as if rewritten fully.

The Examiner cites Hicks as disclosing the limitations in Claims 9-14 and 19. As to Claims 9 and 10, Hicks does not disclose, teach or suggest the use of a *detachable* perch for holding the subject. The Examiner relied on FIG. 2 of Hicks as indicating detachability, but applicant fails to understand or observe detachability of the perch disclosed by Hicks in FIG. 2. Thus, neither Yu nor Hicks, apart or in combination, disclose, teach or suggest every element of Claims 9 and 10, therefore the Examiner's rejection of Claims 9 and 10 under 35 U.S.C. § 103(a) is inappropriate, and Claims 9 and 10 are presently considered allowable.

As to Claims 11 and 12, Hicks does not disclose a mirror that is contained within a housing. The mirror (M) of Hicks is positioned along the front panel of the housing (11) (Column 2, Lines 53-61). Thus, neither Yu nor Hicks, apart or in combination, disclose, teach or suggest every element of Claims 11 and 12, therefore the Examiner's rejection of Claims 11 and 12 under 35 U.S.C. § 103(a) is inappropriate, and Claims 11

and 12 are presently considered allowable.

As to Claims 13 and 14, the Examiner again cited FIG. 2 of Hicks as specifically disclosing an instructional device that is attached to a birdcage through the use of a bracket. The applicant fails to understand how FIG. 2 discloses, teaches or suggests the use of a bracket to secure the device to a birdcage, since all the reference numerals and the corresponding elements of FIG. 2 have no bearing on securing the device to a birdcage and no brackets are disclosed. Thus, neither Yu nor Hicks, apart or in combination, disclose, teach or suggest every element of Claims 12 and 13, therefore the Examiner's rejection of Claims 12 and 13 under 35 U.S.C. § 103(a) is inappropriate, and Claims 12 and 13 are presently considered allowable.

As to Claim 19, neither Yu nor Hicks, apart or in combination, disclose, teach or suggest every element of Claim 19 as required. Specifically, neither Yu nor Hicks disclose a presence detecting sensor (see also arguments above in relation to Claim 1 and anticipation by Yu), or a mirror affixed to the front portion of a housing. Thus, neither Yu nor Hicks, apart or in combination, disclose, teach or suggest every element of Claim 19 as required, therefore the Examiner's rejection of Claim 19 is inappropriate, and Claim 19 is considered allowable.

4. Rejection of Claim 15 under 35 U.S.C. § 103(a)

The Examiner respectfully rejected Claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Yu in view of Blake et al.

Again, In undertaking a determination of whether a reference, or a combination

of references, renders a claim(s) obvious under 35 U.S.C. § 103(a), the examiner must show that the reference or combination of references teach or suggest every element of the claim(s) in question. MPEP § 706.02(j).

The differences between Yu and the present invention as claimed in the underlying base Claim 1 has been noted above and is incorporated by reference as if rewritten fully.

As to Claim 15, the Examiner cited FIG. 2 of Blake et al. as disclosing a freely standing detector system. However, FIG. 2 discloses a detector system that is *mounted* to a vertical post. Mounting of the detector system appears to teach away from the freely standing detector system within the vocal training apparatus claimed in Claim 15. Thus, neither Yu nor Blake et al., apart or in combination, disclose, teach or suggest every element of Claim 15 as required, therefore the Examiner's rejection of Claim 15 is inappropriate, and Claim 15 is considered allowable.

Based upon the above arguments, it is felt that the differences between the present invention and all of these references are such that rejection based upon 35 U.S.C. § 103, in addition to any other art, relevant or not, is also inappropriate. However, by way of additional argument application wishes to point out that it is well established at law that for a proper *prima facie* rejection of a claimed invention based upon obviousness under 35 U.S.C. § 103, the cited references must teach every element of the claimed invention. Further, if a combination is cited in support of a rejection, there must be some affirmative teaching in the prior art to make the proposed combination. See Orthopedic Equipment Company, Inc. et al. v. United States, 217 USPQ 193, 199 (Fed. Cir. 1983), wherein the Federal Circuit decreed, "Monday

Morning Quarter Backing is quite improper when resolving the question of obviousness." Also, when determining the scope of teaching of a prior art reference, the Federal Circuit has declared:

"[t]he mere fact that the prior art could be so modified should not have made the modification obvious unless the prior art suggested the desirability of the modification." (Emphasis added). In re Gordon, 221 USPQ 1125, 1127 (Fed. Cir. 1984).

There is no suggestion as to the desirability of any modification of the references to describe the present invention. An analysis of the disclosures within the cited references fails to cite every element of the claimed invention. When the prior art references require a selective combination to render obvious a subsequent claimed invention, there must be some reason for the selected combination other than the hindsight obtained from the claimed invention itself. Interconnect Planning Corp v. Feil, 774 F.2d 1132, 227 USPQ 543 (Fed. Cir. 1985). There is nothing in the prior art or the Examiners arguments that would suggest the desirability or obviousness of making a vocal training apparatus having a presence detector and a playback system based on the actuation of the presence detector. Uniroyal, Inc. v. Rudkki-Wiley Corp., 837 F.2d 1044, 5 USPQ 2d 1432 (Fed. Cir. 1988). The Examiner seems to suggest that it would be obvious for one of ordinary skill to attempt to produce the currently disclosed invention. However, there must be a reason or suggestion in the art for selecting the design, other than the knowledge learned from the present disclosure. In re Dow Chemical Co., 837 F.2d 469, 5 USPQ.2d 1529 (Fed. Cir. 1988); see also In re O'Farrell, 853 F.2d 894, 7 USPQ 2d 1673 (Fed. Cir. 1988).

To summarize, it appears that only in hindsight does it appear obvious to one of

ordinary skill in the pertinent art to combine the present claimed and disclosed combination of elements. To reject the present application as a combination of old elements leads to an improper analysis of the claimed invention by its parts, and instead of by its whole as required by statute. Custom Accessories Inc. v. Jeffery-Allan Industries, Inc., 807 F.2d 955, 1 USPQ 2d 1197 (Fed. Cir. 1986); In re Wright, 848 F.2d 1216, 6 USPQ 2d 1959 (Fed. Cir. 1988).

Accordingly, the reversal of the Examiner by the honorable Board of Appeals is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Olen L. York, III". The signature is written in a cursive, flowing style with a prominent "O" and a stylized "Y".

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APPENDIX

THE CLAIMS ON APPEAL

The claims on appeal are as follows:

1. (Once Amended) An apparatus to teach a subject to vocally emulate sounds comprising:
 - a presence detecting sensor for detecting the presence of a subject;
 - a system for playing back a predetermined message, wherein said system initiates playback of said predetermined message upon detection of the presence of said subject by said presence detecting sensor; and
 - a housing which contains said sensor and said playback initiation system.
2. (Once Amended) An apparatus as recited in claim 1 further comprising a system for selecting a prerecorded sound to be played, wherein said system comprises a selector switch for choosing a desired prerecorded sound.
3. Canceled.
4. An apparatus as recited in claim 1 further comprising a system for recording sounds that are audible to animals.
5. (Once Amended) An apparatus as recited in claim 1 wherein said presence detecting sensor comprises a movement sensing device.

6. (Once Amended) An apparatus as recited in claim 1 wherein said presence detecting sensor comprises a light sensing device for detecting the absence of light due to the presence of said subject.

7. (Once Amended) An apparatus as recited in claim 1 wherein said presence detecting sensor comprises a laser and a laser detection sensor.

8. (Once Amended) An apparatus as recited in claim 1 wherein said presence detecting sensor for detecting the presence of said subject comprises a heat sensing device.

9. (Once Amended) An apparatus as recited in claim 1, further comprising a bird perch, said bird perch for holding said subject, said subject being a bird.

10. (Once Amended) An apparatus as recited in claim 9, wherein said bird perch is detachable.

11. An apparatus as recited in claim 1, further comprising a mirror.

12. (Once Amended) An apparatus as recited in claim 11, wherein said mirror is contained within said housing, said mirror providing visual stimulation to said subject.

13. (Once Amended) An apparatus as recited in claim 1, further comprising a means for attaching said apparatus to a birdcage.

14. (Once Amended) An apparatus as recited in claim 13 wherein, said means for attaching said apparatus to said birdcage comprises a bracket.

15. (Once Amended) An apparatus as recited in claim 1 wherein, said apparatus is capable of freely standing.

16. (Once Amended) An apparatus as recited in claim 9 further comprising a trough, wherein said trough is inserted within a space formed within said bird perch.

17. Canceled.

18. (Once Amended) A method of teaching a subject to vocalize sounds comprising:

selecting a prerecorded sound to be played back by a playback system;
detecting said subject's presence by a presence detecting sensor; and
upon the sensor's detection of said subject, the prerecorded sound is played back for said subject to hear, whereby said subject learns to vocally emulate a desired sound.

19. (New) An apparatus to teach a subject to vocally emulate sounds comprising:

a housing, said housing comprising an front portion and a back portion;

a presence detecting sensor, said presence detecting sensor located at said front portion for detecting the presence of said subject;

a system for playing back a predetermined message, said system located at said back portion, and wherein said system initiates playback of said predetermined message upon detection of the presence of said subject by said presence detecting sensor;

a mirror, said mirror affixed to said front portion; and

a perch assembly, said perch assembly coupled to a lower portion of said housing.